

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

KENNETH SMITH, #B-32032,)
vs.)
Plaintiff,)
vs.) CIVIL NO. 09-cv-733-MJR
DONALD GEATZ, et al.,)
Defendants.)

MEMORANDUM AND ORDER

REAGAN, District Judge:

The Court denied Plaintiff's motion to proceed *in forma pauperis* and dismissed this action without prejudice, finding that Plaintiff had accumulated at least three strikes and is not in imminent danger of serious physical injury. Now before the Court is Plaintiff's motion for reconsideration of that ruling (Doc. 8).

In his motion, Plaintiff admits that he filed two prior cases that may count as strikes. *See Smith v. Lee*, Case No. 02-cv-3944 (N.D. Ill., filed June 21, 2002); *Smith v. Aramark Food Mgmt.*, Case No. 04-cv-515 (N.D. Ill., filed Feb. 5, 2004). However, he claims that the third case cited by the Court, *Smith v. Cole Taylor Bank*, Case No. 99-cv-7456 (N.D. Ill., filed Nov. 19, 1999), was wrongly counted against him. Specifically, he states that he "never filed a case against Cole Taylor Bank in past."

The Court has rechecked the docket of that action in the Northern District of Illinois, and Plaintiff is mistaken. The record clearly reflects that the action was filed by Kenneth Smith, I.D.O.C. register number B-32032, with a last-reported address at Menard Correctional Center. That

is the same register number and address provided by Plaintiff in this action, establishing that he is the same individual.

Accordingly, the instant motion is **DENIED**.

IT IS SO ORDERED.

DATED this 28th day of December, 2009.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge